

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:08CR451
)	
v.)	
)	
CARLOS ALAMILLA-HERNANDEZ,)	ORDER
)	
Defendant.)	

At the conclusion of the hearing on August 28, 2009, on the defendant's motion to sever (Filing No. 56), I stated my conclusions on the record and my decision to grant the motion to sever if the government intends to introduce the admissions of the co-defendant, John Brian Smith, in a joint trial.

IT IS SO ORDERED.

ADMONITION

Pursuant to NECrimR 57.2 any appeal of this Order shall be filed with the Clerk of the Court within ten (10) business days after the transcript is available to counsel for reading in the clerk's office. Failure to timely appeal may constitute a waiver of any such appeal. The brief in support of any appeal shall be filed at the time of filing such appeal. Failure to file a brief in support of any appeal may be deemed an abandonment of the appeal.

Dated this 28th day of August, 2009.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge